

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission. The information transmitted is intended only for the Member State or entity to which it is addressed for discussions and may contain confidential and/or privileged material.

SANTE PLAN 2023/2345 Rev.2

ANNEX

to the

COMMISSION REGULATION (EU) No .../...

amending Regulation (EU) 2023/915 as regards maximum levels of mineral oil aromatic hydrocarbons in certain foodstuffs.

Proposed application date 01/01/2026 unless specified otherwise

ANNEX

In Section 5: Processing contaminants of the Annex to Regulation (EC) No 2023/915, subsection 5.5 Mineral Oil Aromatic Hydrocarbons is added:

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Option 3

5.5	Mineral Oil Aromatic Hydrocarbons (≥C10 to ≤C50)	Maximum levels (mg/kg)	Remarks
5.5.1	Oilseeds and oilfruits	2,0	
5.5.2	Animal and vegetable fats and oils other than those produced from cocoa beans and milk.		
5.5.2.1	Maize, rapeseed, sunflower, soybean, linseed and olive oil other than olive pomace oil listed under 5.5.2.4.	2,0	
5.5.2.2	Oils and fats other than those listed in 5.5.2.1, 5.5.2.3 , 5.5.2.4, 5.5.2.5 and 5.5.8 and those produced from cocoa beans and milk.	4,0 from 01/01/2026 2,0 from 01/01/2028	
5.5.2.3	Blackcurrant seed, grapeseed, groundnut, sesame, argan, cottonseed and rice oil and coconut fat and oil.	6,0 from 01/01/2026 4,0 from 01/01/2028 2,0 from 01/01/2030	

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5.5.2.4	Olive pomace oil	10,0 from 01/01/2026 5,0 from 01/01/2028 2,0 from 01/01/2030	
5.5.2.5	Marine oil and essential oil	10,0 from 01/01/2026 5,0 from 01/01/2030	
5.5.3	Tree nuts	2,0	
5.5.4	Pulses	0,50	
5.5.5	Cereal grains	0,50	The maximum level does not apply to cereals used for the production of beer or distillates, provided that the remaining cereal residue is not placed on the market for the final consumer as food. In case the remaining cereal residue is placed on the market for the final consumer as food, the maximum level applies, taking into account Article 3(1) and (2).
5.5.6	Milk	0,50	
5.5.7	Cocoa beans	2,0	
5.5.8	Sugar	0,50	
5.5.9	Spices and dried herbs	5,0	

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5.5.10	Infant formulae (3), follow-on formulae (3), young-child formulae (4), food for special medical purposes intended for infants and young children (3), baby food (3), processed cereal-based food for infants and young children (3) and drinks for infants and young children placed on the market and labelled as such.		
5.5.10.1	Products with < 4% fat/oil content	0,50 mg/kg	
5.5.10.2	Products with $\geq 4\%$ and $\leq 50\%$ fat/oil content	1,0 mg/kg	
5.5.10.3	Products with > 50% fat/oil content	2,0 mg/kg	
5.5.11	Food supplements	10,0 from 01/01/2026 5,0 from 01/01/2030	

The footnotes correspond to the footnotes in the Annex to Regulation (EU) 2023/915.

For dried, diluted, processed and compound foods the maximum level shall be calculated in accordance with Article 3 of Regulation (EU) 2023/915. Contaminations with MOAH that are introduced during the further processing of a product, shall not be taken into account for calculating the

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maximum level for the final product. Only the concentrations of MOAH in the initial ingredients and the concentration or dilution of the contaminants during the production process should be taken into account for calculating the maximum level of a dried, diluted, processed or compound food. For the ingredients of compound foods, for which no maximum level for MOAH has been established, the following concentrations shall be taken into account for calculating the maximum level for the compound food:

- 0,50 mg/kg for ingredients with a fat < 4% fat/oil content
- 1,0 mg/kg for ingredients with $\geq 4\%$ and $\leq 50\%$ fat/oil content
- 2,0 mg/kg for ingredients with > 50% fat/oil content